

## Message Text

CONFIDENTIAL

PAGE 01 STATE 198197  
ORIGIN EUR-03

INFO OCT-01 ISO-00 ONY-00 /004 R

DRAFTED BY EUR/SOV:MGARRISON  
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DESIRED DISTRIBUTION  
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-----111692 200200Z /64

P 192328Z AUG 77  
FM SECSTATE WASHDC  
TO AMEMBASSY MOSCOW PRIORITY

C O N F I D E N T I A L STATE 198197

FOR MATLOCK FROM GARRISON

E.O. 11652: GDS

TAGS: OGEN

SUBJECT: OFFICIAL-INFORMAL

1. DAVID GANTZ IN L/EUR RAISED A POTENTIALLY TROUBLESOME FREEDOM OF INFORMATION ISSUE WITH US. AS YOU KNOW, SOV HAS THE RESPONSIBILITY OF REVIEWING PRE-FOI ACT DOCUMENTS WHICH HAVE BEEN REQUESTED BY THE PUBLIC, AND WE FREQUENTLY VETO THE RELEASE OF CABLES AND DOCUMENTS, OR PORTIONS THEREOF, WHICH CONTAIN INTER ALIA REPORTS OF DISCUSSIONS BETWEEN AMERICAN AND SOVIET OFFICIALS. UNDER CURRENT LAW, HOWEVER, THE CLASSIFICATION OF A CABLE OR DOCUMENT AS "CONFIDENTIAL-GDS" MEANS THAT AFTER SIX FULL CALENDAR YEARS THE DOCUMENT IS AUTOMATICALLY DECLASSIFIED AND CAN BE RELEASED TO FOI REQUESTERS UPON APPLICATION WITHOUT OPPORTUNITY FOR FURTHER EUR/SOV REVIEW. THIS MEANS THAT SIMPLY CLASSIFYING A REPORT OF A CONVERSATION WITH A SOVIET AS "CONFIDENTIAL-GDS" WILL NOT REPEAT NOT BE SUFFICIENT TO CONFIDENTIAL

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PREVENT ITS POSSIBLE RELEASE UNDER FOI.

2. GANTZ RECOMMENDED, AND WE CONCUR FULLY, THAT THE EMBASSY CONSIDER USE OF X-GDS CLASSIFICATIONS ON DOCUMENTS WHICH REPORT CONVERSATIONS WITH SOVIET OFFICIALS, AND MORE GENERALLY, GET IN THE HABIT OF APPLYING THE CRITERIA OF THE E.O. IN EACH INSTANCE RATHER THAN AUTOMATICALLY DESIGNATING

EVERYTHING GDS. IN THIS WAY, EUR/SOV WILL BE ABLE TO CLEAR THE RELEASE OF THE DOCUMENTS CONTAINING SENSITIVE SOVIET MATERIAL IF THEY ARE REQUESTED UNDER FOI FOLLOWING THE SIX YEAR PERIOD. PLEASE ADVISE ALL OFFICERS THAT THEY SHOULD THINK CAREFULLY BEFORE AUTOMATICALLY PLACING "GDS" IN THE "E.O. 11652" LINE.

3. EVERYONE SHOULD REVIEW CAREFULLY THE FOI ACT OF 1974, SECTION (B), AND MORE PARTICULARLY SECTION 5(B) OF EXECUTIVE ORDER 11652, THE LATTER OF WHICH PROVIDES EXEMPTIONS FROM THE GENERAL DECLASSIFICATION SCHEDULE. THE MOST RELEVANT SECTION OF THE E.O. IS SECTION 5 (B) (1) WHICH EXEMPTS CLASSIFIED INFORMATION OR MATERIAL FURNISHED BY FOREIGN GOVERNMENTS AND HELD BY THE USG ON THE UNDERSTANDING THAT IT BE KEPT IN CONFIDENCE. IF THE EMBASSY DOES NOT HAVE A COPY OF THE LAW AND THE EXECUTIVE ORDER, LET ME KNOW AT ONCE AND I WILL SEND YOU THE RELEVANT PORTIONS IN AN O-I

4. WE CONTINUE TO RECEIVE THE PROCESSED COPIES OF YOUR AIRGRAMS ONLY AFTER CONSIDERABLE DELAY. PLEASE PUT A COPY OF YOUR AIRGRAMS IN AN ENVELOPE MARKED FOR SOV AND WE CAN THEREBY GET A JUMP ON THE PROCESSING SYSTEM.

5. FOR GROSS FROM WILLEMS: VO WAS AGREEABLE TO MOVING  
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UP THE ARRIVAL DATE FOR BATSANOV AND VARVILOV TO AUG 21 AS REQUESTED IN YOUR AUG 19 PHONE CALL. I FOUND OUT THAT VO AUTOMATICALLY RESTRICTS TIME OF STAY FOR G-2 HOLDERS ATTENDING SUCH MEETINGS TO FOUR DAYS BEFORE BEGINNING OF MEETING AND FOUR DAYS AFTER END. THAT PROBABLY CAUSES PROBLEMS FOR SOVIETS SOMETIMES BECAUSE OF AEROFLOT SCHEDULE.

6. WE HAVE REGAINED OUR BALANCE AND MOMENTUM ON RICK CARTER ASSIGNMENT AND LOCKED HORNS WITH SCA IN PANEL TODAY. DIRECTOR GENERAL HAS STEPPED IN TO ADJUDICATE AND CON- TENDING CASES WILL BE PRESENTED NEXT FRIDAY FOR HER DECISION.

7. REF MOSCOW 12056: WE HAVE JUST LEARNED THAT ACTIVA- TION OF NEW DEPARTMENT OF ENERGY OCTOBER1 WILL PRECLUDE TRAVEL OF NEW DOE PRINCIPALS TO USSR FOR ENERGY JCM IN OCTOBER. INASMUCH AS SOVIETS PREFER NOVEMBER MEETING, AND WOULD NOT THEREFORE TAKE SHORT POSTPONEMENT AS A NEGATIVE SIGNAL FROM OUR SIDE, MIDDLE TO LATE NOVEMBER NOW LOOKS POSSIBLE FOR JCM. FURTHER ACTION SHOULD AWAIT FRIM DECISION HERE ON LEVEL OF DELEGATION AS WELL AS DATES. THE

TWO ARE CLOSELY RELATED. APPRECIATE YOUR EFFORTS. VANCE

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009